

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 21-39 are presently pending in this case. Claims 24, 31, and 36 have been withdrawn from consideration; however, these claims depend from generic claims. Claims 21, 25, and 32 have been amended, and Claims 37-39 have been added by way of the present Amendment.

Care has been taken such that no new matter has been entered. Support for the amendments can be found in the drawings of the application and the corresponding description thereof in the specification. The Applicant request entry of the amendments set forth herein as they are believed to place the application into condition for allowance.

Claim 32 was objected to for a minor typographical informalities. Claim 32 has been amended as suggested to correct this typographical error, and therefore the Applicant requests the withdrawal of the objection to Claim 32.

Claims 21-23, 25-30, and 32-35 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (U.S. Patent No. 6,460,311) in view of Hanlon et al. (U.S. Patent No. 4,366,197). The Applicant respectfully requests the withdrawal of the obviousness rejection for the reasons discussed below.

The basic requirements for establishing a *prima facie* case of obviousness as set forth in MPEP 2143 include (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference or to combine reference teachings, (2) there must be a reasonable expectation of success, and (3) the reference (or references when combined) must teach or suggest all of the claim limitations. The Applicant submits that a *prima facie* case of obviousness cannot be established in the present case because the references, either taken singularly or in combination, do not teach or suggest all of the limitations recited in amended independent Claims 21, 25, and 32.

Independent Claims 21 and 25 recite, among other features, a ceramic siding board comprising a front surface having vertical joint grooves extending in a heightwise direction of the siding board and partially extending within the siding board in a depthwise direction thereof, where the front surface is divided into plural areas by the vertical joint grooves such that the plural areas have different widths and heights. The ceramic siding board further includes a lower side portion formed at different heights with boundaries of the vertical joint grooves, and the lower side portion has a rear surface stepped portion formed by notching a rear surface of the ceramic siding board. Additionally, the vertical joint grooves extend within the siding board in the depthwise direction to the rear surface stepped portion to provide a gap between different height portions of the lower side portion. The Applicant submits that the Ito reference and the Hanlon et al. reference, either taken singularly or in combination, do not teach or suggest all of the above claim limitations.

The Official Action noted that the Ito reference does not disclose a face having vertical joint grooves dividing the face into plural areas having different widths and heights, as is evident from a review of Figure 7 thereof. Thus, the Ito reference also clearly does not

disclose or suggest vertical joint grooves that extend within the siding board in the depthwise direction to a rear surface stepped portion to provide a gap between different height portions of a lower side portion. The Official Action cites the Hanlon et al. reference for a teaching of the vertical joint grooves and plural areas on a front surface with different widths and heights.

The Hanlon et al. reference describes a deep embossed shingle lap siding system that uses rectangular building panels having a decorative outer surface embossed to resemble, when assembled, a plurality of rows of shingle elements laid side-by-side with irregular lower edges. The Official Action cites the portion in between shingle portions (30) depicted in Figure 5 of the Hanlon et al. reference for the teaching of the vertical joint grooves of the present invention. The Applicant notes that the building panels (36) include an upper portion with a flat, planarized land portion (40) and a short wall portion (42) that abuts the lower portion of an upper, overlapping panel. The lower portion of the building panels (36) includes a lower finished edge (52) and a rear cut surface (74) that abuts against the short wall portion (42) of a lower, overlapping panel in the manner depicted in Figure 5.

At the outset, the Applicant notes that it is difficult, if not impossible, to determine whether the building panels (36) in Figure 5 include vertical grooves in between the various shingle portions (30), due to the perspective angle at which the figure is drawn. It is difficult to determine whether grooves are provided or whether the various shingle portions (30) are of differing thicknesses that simply abut against one another.

Even assuming, solely for the sake of argument, that vertical grooves are present in between the various shingle portions (30), it is impossible to determine the depth of such

features, as none of Figures 2-5 provide any depiction thereof and the written description does not mention any such feature. Thus, it is impossible to determine whether such assumed grooves extend from the front surface to a depth at least to a portion of rear cut surface (74). The Applicant submits that such a feature is not provided in the panels (36) of the Hanlon et al. reference, since if that were the case then surface (74) would abut directly against wall portion (42) in a linear manner, and that linear line would be visible from the front of the abutting panels. However, the Hanlon et al. reference does not disclose or depict any embodiment that includes such a linear line abutment that is visible from the front of the panels, and in fact the Hanlon et al. reference that some amount of overlapping is always present at the abutment. (See column 3, lines 9-27, and column 5, line 47, through column 6, line 2.) Thus, the Hanlon et al. reference also fails to disclose a ceramic siding board including vertical joint grooves that extend within the siding board in the depthwise direction *to the rear surface stepped portion to provide a gap between different height portions of the lower side portion*, as recited in Claims 21 and 25.

Accordingly, the Ito reference and the Hanlon et al. reference, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent Claims 21 and 25. Thus, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claims 21 and 25.

Independent Claim 32 recites, among other features, a ceramic siding board comprising a front face having vertical joint grooves extending in a heightwise direction of the siding board, where the front face is divided into plural areas by the vertical joint grooves

such that the plural areas have different widths and heights. The ceramic siding board also includes an upper face comprising a plurality of notched portions configured to be overlapped by the lower face of the first adjacent siding board, where the plurality of notched portions are provided with boundaries of the vertical joint grooves. The Applicant submits that the Ito reference and the Hanlon et al. reference, either taken singularly or in combination, do not teach or suggest all of the above claim limitations.

The Official Action cites the portion of the boarding of the Ito reference that abuts locking strip (26b) for the teaching of the notched portion of Claim 32. However, the Ito reference does not disclose a plurality of notched portions, as recited in amended Claim 32. Furthermore, as noted in the Official Action, the Ito reference does not disclose a face having vertical joint grooves dividing the face into plural areas having different widths and heights, and thus, the Ito reference also clearly does not disclose or suggest a plurality of notched portions that are provided with boundaries of vertical joint grooves. The Official Action cites the Hanlon et al. reference for a teaching of the vertical joint grooves and plural areas on a front surface with different widths and heights.

The Hanlon et al. reference describes building panels (36) that include an upper portion with a flat, planarized land portion (40) and a short wall portion (42) that abuts the lower portion of an upper, overlapping panel. The land portion (40) and short wall portion (42) extend along the entire width of the building panel (36), and thus the Hanlon et al. reference also clearly does not disclose a plurality of notched portions, as recited in amended Claim 32. Furthermore, even assuming for the sake of argument that the panel (36) of the

Hanlon et al. reference includes vertical grooves, no such features extend to the land portion (40) and short wall portion (42). Thus, the Hanlon et al. reference also clearly does not disclose a plurality of notched portions *that are provided with boundaries of vertical joint grooves*.

Accordingly, the Ito reference and the Hanlon et al. reference, either when taken singularly or in combination, fail to disclose or suggest all of the limitations recited in independent Claim 32. Thus, the Applicant respectfully requests the withdrawal of the obviousness rejection of Claim 32.

The dependent claims are considered allowable for the reasons advanced for the independent claim from which they depend. These claims are further considered allowable as they recite other features of the invention that are neither disclosed nor suggested by the applied references when those features are considered within the context of their respective independent claim.

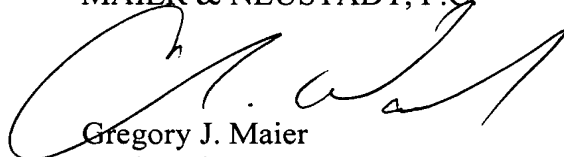
Newly added Claim 39 is believed to be in condition for allowance, as it recites features that are not disclosed or suggested by the cited art. For example, Claim 39 recites a ceramic siding board comprising, among other features, an upper side portion having a plurality of engaging notches formed by notching a front surface, where each of plural areas of the front surface have an engaging notch of the plurality of engaging notches with boundaries of vertical joint grooves.

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Consequently, in view of the above discussion, it is respectfully submitted that the present application is in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully Submitted,

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A handwritten signature in black ink, appearing to read 'G. Maier', is written over the printed name of Gregory J. Maier.

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